

Concord Town Meeting Article 42 - Frequently Asked Questions

March 10, 2016

1) What is the problem that Article 42 seeks to address?

Among the objectives stated in Section 1.2 of Concord's Zoning Bylaw is "to prevent overcrowding of land" and "to preserve and enhance the development of the natural, scenic and aesthetic qualities of the community." Homes that are out of scale relative to their lot size can compromise the character of a neighborhood. Bigger houses on smaller lots are often much taller or wider than nearby homes, stand closer to the street than their neighbors, and include fewer porches, decks or other exterior features of architectural interest. In some cases, garages are placed in front of the building's façade because there is no space left on the lot to put them on the side or in the back of the building. The bylaw is intended to preserve the relative scale, character and value of the neighborhood by regulating the gross floor area of structures relative to the size of a lot.

2) Why is a new bylaw needed? Don't we already have strong zoning bylaws in Concord?

The existing dimensional regulations in the Town's bylaw set maximum building heights and minimum yard setbacks. Since they only consider one dimension at a time, setback and height regulations have not been very effective at preventing the construction of oversized houses that take every dimension to its limits. Article 42 controls the overall density of structures across all dimensions, by limiting the gross floor area of all structures relative to the lot area.

3) Is this bylaw an attempt to "turn back the clock" to the way houses were built years ago?

No. The bylaw sets common-sense limits that focus on truly out-of-scale construction relative to recent norms. Approximately 83% of the homes built in Concord since 2000 would not have been affected at all, had the bylaw already been in place.

4) Aren't there other ways to regulate the relative size or shape of homes along a street?

With the help of an intern, the Planning Board studied the bylaws of other cities and towns, and concluded that the simplest and most transparent regulations worked best. While some methods (such as introducing Form Based Codes or "sky planes") had merit, they would either require major zoning bylaw changes, or add significant administrative overhead to the process of building and permitting homes. Floor Area Ratios are already provided for in the Town's bylaws, and are much simpler.

5) Will the bylaw put a heavy administrative burden on architects or building inspectors?

No. The bylaw has been designed to minimize the extra work required. Gross Floor Area is a measurement that's already in use in the Town's bylaws and in the construction industry. It is much easier to calculate than the Gross Living Area measurement that was proposed last year. The Town's building department has been calculating GFA for new projects this year as a trial, and has not encountered any problems so far.

6) Will the bylaw result in the ZBA being swamped with Special Permit applications?

No. Even with no bylaw in place, only 6-8 houses have been built per year that would have exceeded the limits being proposed. Only a subset of these would likely have come forward to the ZBA for a

special permit. An even smaller number of additions to existing homes would have hit this limit, and many of those would have likely required special permits for other reasons.

7) What counts towards Gross Floor Area, for the purposes of the bylaw?

Included	Excluded
All structures on the property with a permanent foundation that are over 100 sq ft	Structures without a permanent foundation or that have less than 100 sq ft
Attics, ½ and ¾ stories (finished or unfinished) where the floor to ceiling height is 6'8" or more	Any space where the floor to ceiling height is less than 6'8"
<ul style="list-style-type: none">• Garages, carports• Enclosed porches	<ul style="list-style-type: none">• Basements, crawl spaces• Open porches, screened porches, stoops• Patios, decks, greenhouses

8) Will the bylaw prevent owners with smaller lots from building an addition?

No, except in cases where the lot is already heavily "built out." The smaller the lot, the greater density allowed. Smaller lots (especially non-conforming lots) are also more likely to be constrained by setback requirements and existing special permit criteria in the current bylaw, so the net impact is likely to be less.

9) Won't the bylaw result in the construction of less marketable houses?

Quite to the contrary, Concord's Housing Production Plan demonstrates that average household sizes will continue to decline for the foreseeable future. There is currently unmet demand for smaller homes.

10) Why does the bylaw apply to all residential districts, rather than just to Residence C?

Citizens commented during the early drafting of the Article that any rule should apply consistently across Town. Surveys and citizen feedback also raised concerns about density in Residence B as well as Residence C. Finally, there are at least 120 non-conforming lots in the Residence A & AA districts (such as near White Pond) that are under 15,000 square feet.

11) If an existing house that's over the FAR limit burns down, will the homeowner be able to rebuild?

Yes. Within two years, a homeowner can reconstruct a home of the same size with a special permit so long as it does not impinge upon any public right-of-way, creates a danger to public safety, or is out of character with the traditional settlement and construction patterns of the area.

12) How will the Town Meeting Motion differ from the Warrant Article?

The Town Meeting Motion incorporates the following points of feedback received from the community:

- a) Clarifies that lot area is to be measured in square feet
- b) Clarifies that screened porches are excluded from Gross Floor Area calculations
- c) Explicitly excludes non-residential uses in the residential districts